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IDAHO PUBLIC
UTILITIES COMMISSION

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Attorneys for Cold Springs Windfarm, LLC; Desert Meadow Windfarm, LLC;
Hammett Hill Windfarm, LLC; Mainline Windfarm, LLC;
Ryegrass Windfarm, LLC; and Two Ponds Windfarm, LLC

BEFORE THE

IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF APPLICATION OF)
IDAHO POWER COMPANY TO UPDATE ITS)
WIND INTEGRATION RATES AND)
CHARGES.)

CASE NO. IPC-E-13-22

PETITION TO INTERVENE OF
COLD SPRINGS WINDFARM, LLC;
DESERT MEADOW WINDFARM,
LLC; HAMMETT HILL WINDFARM,
LLC; MAINLINE WINDFARM, LLC;
RYEGRASS WINDFARM, LLC; AND
TWO PONDS WINDFARM, LLC

Pursuant to IDAPA 31.10.01.071-.074 and the Notice of Application Order No. 32961 issued by the Idaho Public Utilities Commission ("Commission") on December 31, 2013, Cold Springs Windfarm, LLC, Desert Meadow Windfarm, LLC, Hammett Hill Windfarm, LLC, Mainline Windfarm, LLC, Ryegrass Windfarm, LLC, and Two Ponds Windfarm, LLC, hereinafter referred to collectively as the "Mountain Air Projects," hereby petition the Commission for leave to intervene herein and to appear and participate herein as parties, and as grounds therefore state as follows:

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1. The name and addresses of these Intervenor is:

Cold Springs Windfarm, LLC
c/o Mountain Air Projects
Benjamin G. Huang, Manager
6000N Foxtail Way,
Glenns Ferry, ID 86623
bhuang@terna-energy.com

Mainline Windfarm, LLC
c/o Mountain Air Projects
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Desert Meadow Windfarm, LLC
c/o Mountain Air Projects
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Ryegrass Windfarm, LLC
c/o Mountain Air Projects
Benjamin G. Huang, Manager
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Glenns Ferry, ID 86623
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Hammett Hill Windfarm, LLC
c/o Mountain Air Projects
Benjamin G. Huang, Manager
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bhuang@terna-energy.com

Two Ponds Windfarm, LLC
c/o Mountain Air Projects
Benjamin G. Huang, Manager
6000N Foxtail Way,
Glenns Ferry, ID 86623
bhuang@terna-energy.com

2. These Intervenor will be represented herein by:

Peter J. Richardson (ISB No. 3195)
Richardson Adams, PLLC
515 N. 27th Street
Boise, Idaho 83702
Telephone: (208) 938-7900
Fax: (208) 938-7904
peter@richardsonadams.com

3. Copies of all pleadings, production requests, production responses, Commission orders and other documents should be provided to Mr. Richardson and Mr. Huang at the addresses listed above.

4. Cold Springs Windfarm, LLC, Desert Meadow Windfarm, LLC, Hammett Hill Windfarm, LLC, Mainline Windfarm, LLC, Ryegrass Windfarm, LLC, and Two Ponds

Windfarm, LLC are each qualified to conduct business in the State of Idaho under applicable provisions of Idaho law. Each is a wholly owned subsidiary of Mountain Air Projects, LLC.

5. Each of the Mountain Air Projects owns and operates, wind generation facilities with a gross capacity of 23.0 megawatts (“MW”), and an average net output limited to 10 MW per month, that are interconnected to the Idaho Power Company (“Idaho Power”) electrical system. Each of the Mountain Air Projects is a self-certified qualifying facility (“QF”) under the Public Utility Regulatory Policies Act of 1978 (“PURPA”), and sells all of its net output to Idaho Power, pursuant to a long-term PURPA Firm Energy Sales Agreement (“FESA”).

6. Each of the Mountain Air Projects FESAs was executed on November 12, 2010, and approved by the Commission through orders issued on December 23, 2010. *See* IPUC Order Nos. 32144, 32145, 32146, 32147, 32148, and 32149. All six of the Mountain Air Projects’ FESAs are identical except for the names and locations of the projects. Each Mountain Air Project elected to execute a FESA containing fixed avoided cost rates for the duration of a 20-year contract term, as provided by federal law and regulation. *See* 18 C.F.R. § 292.304(d)(2)(ii).

7. As the Commission noted in its Order Nos. 32144, 32145, 32146, 32147, 32148, and 32149 approving Mountain Air Projects’ FESAs, each of the FESAs comport with the orders and requirements of the Commission in effect at the time of execution and approval of the FESAs. Notably, the FESAs each incorporate the avoided cost rate minus the wind integration charge contained in IPUC Order No. 30488 for each and every year of the term of the FESAs.

8. As was the case when the Mountain Air Projects intervened in IPUC Docket No. GNR-E-11-03 in response to Idaho Power’s proposed Schedule 74, the Mountain Air Projects are gravely concerned with Idaho Power’s proposal in this docket with regard to proposed new wind integration charges. Specifically, the Mountain Air Projects FESAs already compensate

Idaho Power for potential costs related to wind integration through the inclusion of provisions which were developed by Idaho Power and approved by the Commission. The Mountain Air Projects would suffer adverse and unlawful economic harm if the Commission were to entertain, let alone adopt, Idaho Power's proposal in this docket to apply a new and adjustable wind integration tariff to existing projects with FESAs containing long-term, fixed avoided cost rates in existing FESAs. Any change to the Commission's wind integration policies with respect to existing QFs with FESAs containing long-term, fixed avoided cost rates will negatively impact the Mountain Air Projects.

9. In fact, it is well-established that federal law prohibits the Commission from subjecting QFs with long-term, fixed avoided cost rate FESAs to ongoing utility-type regulation, such as Idaho Power's proposed reexamination of the fixed wind integration charges in existing Idaho wind QFs' FESAs. *See* 16 U.S.C. 824a-3(e). The adjudication of such a request by Idaho Power subjects the Mountain Air Projects to ongoing utility-type regulation in violation of federal law, and threatens to impose on the Mountain Air Projects substantial internal and external costs including experts and legal counsel necessary to protect their interests.

10. Therefore, each of the Mountain Air Projects claims a direct and substantial interest in this proceeding because Idaho Power's Application recommends that the Commission investigate and adopt policies that would have an adverse and unlawful economic impact on the Mountain Air Projects.

11. The Mountain Air Projects intend to participate herein as parties, to file pleadings responding to Idaho Power's Application, and if necessary, to introduce evidence, cross-examine witnesses, call and examine witnesses, and be heard in argument. The nature and quality of

pleadings and evidence which the Mountain Air Projects will submit and introduce is dependent upon the nature and effect of other filings and evidence in this proceeding.


12. Without the opportunity to intervene herein, the Mountain Air Projects would be without any means of participation in this proceeding, which may have severe economic consequences for the Mountain Air Projects.

13. Granting this Petition to Intervene will not unduly broaden the issues nor will it prejudice any party to this case.

WHEREFORE, Cold Springs Windfarm, LLC, Desert Meadow Windfarm, LLC, Hammett Hill Windfarm, LLC, Mainline Windfarm, LLC, Ryegrass Windfarm, LLC, and Two Ponds Windfarm, LLC, respectfully request that this Commission grant their Petition to Intervene in these proceedings and to appear and participate in all matters as may be necessary and appropriate.

DATED this 21st day of January, 2014.

RICHARDSON ADAMS, PLLC

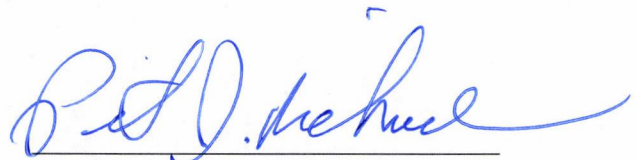
By 
Peter Richardson

Of Attorneys for Cold Springs Windfarm, LLC; Desert Meadow Windfarm, LLC; Hammett Hill Windfarm, LLC; Mainline Windfarm, LLC; Ryegrass Windfarm, LLC; and Two Ponds Windfarm, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of January, 2014, a true and correct copy of the within and foregoing PETITION TO INTERVENE Case No. IPC-E-13-22, was served by hand delivery, to:

Donovan Walker
Julia A. Hilton
Idaho Power Company
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PO Box 70
Boise, Idaho 83707-0070
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jhilton@idahopower.com



Peter Richardson